



February 23, 2024

Harry Sandick
(212) 336-2723

By Email

Andrew Solinger, Esq.
Holland & Knight LLP
511 Union Street, Suite 2700
Nashville, TN 37219

**Re: *Johnson & Johnson Health Care Systems, Inc. v. Save On SP, LLC,*
2:23-mc-00019-JTF-tmp**

Dear Andrew:

We write in response to Accredo's January 26, 2024 and February 9, 2024 document productions and correspondence regarding the same.

Custodians: We renew our request that Accredo add [REDACTED] as a custodian. JJHCS first requested that Accredo add [REDACTED] as a custodian in September 2023. *See* Sept. 22, 2023 Ltr. from H. Sandick to A. Solinger at 2. Accredo declined to add [REDACTED] as a custodian, stating that "[REDACTED] role supported Accredo Operational support and assisted with escalations coming from Express Script's account teams" and "she is unlikely to have unique documentation related to SaveOn over and above the documents covered by the other four custodians." Sept. 28, 2023 Ltr. from A. Solinger to H. Sandick at 3. Based on a review of Accredo's document production, this representation appears to be inaccurate. [REDACTED] a Specialty Solutions Director at Accredo, stated, [REDACTED]

[REDACTED] ACCREDO00013217 (emphasis added).

In light of this job description, please designate [REDACTED], along with her predecessors or successors in the "Accredo/SaveOnSP Operational Resource" role, as a custodian.

Instant Messaging: It appears that Accredo uses an instant messaging and collaboration platform called [REDACTED]. *See* ACCREDO00014112; ACCREDO00014115; ACCREDO00014118. Accredo has produced email summaries of conversations from this platform, but has not produced the underlying messages themselves. Therefore, we request that Accredo produce the underlying [REDACTED] messages that hit on the agreed-upon search terms, along

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with the same-day [REDACTED] messages that are part of the same exchange or discussion. Furthermore, we request that Accredo conduct a reasonable investigation to determine whether Accredo employees used any other instant messaging platforms, such as Microsoft Teams or Salesforce Chatter, during the relevant time period and, if they have, confirm that Accredo has preserved and will produce relevant communications therefrom.

Document Reproduction: There are a total of 73 documents in Accredo's third and fourth productions that have slip sheets that state, "Document Cannot be Viewed." *See, e.g.*, ACCREDO00001313, ACCREDO00001450, ACCREDO00001462. JJHCS has confirmed with its vendor that this technical issue is not a result of JJHCS's document viewing platform. As such, we request that Accredo immediately re-produce these 73 documents in a viewable format.

Additionally, there are portions of documents in Accredo's production that are blurry, distorted, or otherwise illegible, making it impossible for JJHCS to accurately decipher the relevant information. Accordingly, please immediately produce the following documents in a fully legible format:

- ACCREDO00004006
- ACCREDO000018590
- ACCREDO000018608
- ACCREDO000018650
- ACCREDO00001947
- ACCREDO000020194
- ACCREDO000021633
- ACCREDO000021637

In the event JJHCS discovers additional blurry, distorted, or illegible documents in Accredo's production, we reserve the right to request that Accredo re-produce such documents.

Please respond to the issues discussed herein by March 1.

Very truly yours,

/s/ Harry Sandick
Harry Sandick